

### Judge Barnes, cont.

the Regional Director's Citation in 1989 and 1998 for innovative and effective child support enforcement from the U.S. Department of Health and Human Services, and in 1995 received the State Director's Award for Outstanding Child Support Program from the Indiana Family & Social Services Administration.

While Prosecutor, Judge Barnes was elected President of the National District Attorneys Association (1995-1996), Chairman of the Board, Indiana Prosecuting Attorneys Council (1982-1983, 1992-1993), President of the St. Joseph County Bar Association (1992-1993), National Board of Trial Advocacy (1995-1996), National Advisory Council on Violence Against Women (1997), Chairman of the Board of Regents, National College of District Attorneys (1997-1998), American Prosecutor's Research Institute (1997-1998), and various other professional and civic organizations.

The Indiana Victim Assistance Network honored him with its Special Advocate Award in 1989, and in 1998 he received the Eugene "Shine" Feller Award from the Indiana Prosecuting Attorneys Council.

Judge Barnes supports a wide range of community organizations, especially those that serve vulnerable populations. He is a longtime supporter of the LOGAN Center's annual Nose-On campaign and in 1986 received its Joseph J. Newman Award for Committed and Outstanding Advocacy on Behalf of Developmentally Disabled Individuals.

He also has served on the boards of the St. Joseph County Chapter of the American Cancer Society and the Alcoholism Council of St. Joseph County.

Judge Barnes is a member of the Indiana Bar Foundation, the St. Joseph County Bar Association, the Indiana State Bar Association, and the Illinois

State Bar Association.

Judge Barnes is married to Alberta Barnes, a retired educator. They are the parents of two sons, Tim and John. Tim is an attorney in Washington, D.C. John is a TV producer at NBC Sports. John and his wife, Bess, are the parents of the world's most perfect granddaughter, Addison Emily.

He lives in South Bend and is an avid baseball fan and reader.

### Judge Robb, cont.

Judicature Society, a Master Fellow of the Indiana State Bar Foundation and a Senior Distinguished Fellow of the Indianapolis Bar Foundation. She is a frequent speaker on legal topics for attorneys, other judges, and professional, civic and community organizations.

Judge Robb was Founding Chair of Governor Bowen's Commission on the Status of Women; was a recipient of a 1993 Indiana State Bar Association's "Celebrating 100 Years of Women in the Legal Profession" award; the 2001 Maynard K. Hine distinguished alumni award given in recognition of support and service to IUPUI and Indiana University; the 2004 Bernadette Perham "Indiana Women of Achievement" Award, bestowed by Ball State University to honor of one of their outstanding professors; the 2005 Indiana State Bar Association's Women in the Law Recognition Award; the 2006 Tippecanoe County YWCA Salute to Women "Women of Distinction" Award; the 2007 Warren G. Harding High School, Warren, Ohio, Distinguished Alumni Award; the 2010 Indiana University Alumni Association President's Award, a 2010 Indiana Lawyer Distinguished Barrister Award, the 2011 Indianapolis Bar Association Women and the Law Committee's Antoinette Dakin Leach

Award and the 2011 David Hamacher Award from the Appellate Practice Section of the Indiana State Bar Association.

Judge Robb chairs the Supreme Court Task Force on Family Courts and is involved in several projects to benefit the Indiana legal system. She also chaired the Supreme Court task force for the development of Trial Court Local Rules, has also served as a member of the Indiana Board of Law Examiners, the Governance Committee of the Supreme Court IOLTA (Interest on Lawyer Trust Account) Committee; the Federal Advisory Committee on Local Rules for the Federal Court for the Northern District of Indiana; and the Federal Advisory Committee for the Expediting of Federal Litigation.

Judge Robb authored "Reflections of Baseball, Life and the Law" in the Indiana State Bar Association's journal, *Res Gestae* and "Running Bases, Winning Cases: Why the Grand Old Game of Baseball is like the legal profession" in the ABA's journal. She also authored a chapter on Supreme Court Justice Leonard Hackney in, *Indiana Supreme Court Justices*, and co-authored a chapter, "From Juvenile Courts to Family Courts," in *Essays on Indiana Legal History*.

In addition, she serves on the ABA Committee that accredits law schools and chaired the 2010 ABA's Appellate Judges Council-Appellate Judges Education Institute's national Summit for Judges, lawyers and Staff attorneys. Judge Robb is an elected member of the American Law Institute (ALI).

Judge Robb was retained on the Court of Appeals in 2000 and 2010, is married to a professor at Purdue University. Their son, a graduate of the United States Naval Academy, is a lieutenant on active duty in the United States Navy.

## SYNOPSIS

**H**ammond High School and Griffith High School are voluntary members of the Indiana High School Athletic Association (IHSAA). On February 7, 2015, the Hammond varsity boys' basketball team played the Griffith varsity team at Griffith. A Hammond player fouled a Griffith player during the game, which caused the Griffith player to slam into the padded wall behind the basket and fall onto the floor. Thereafter, members of both teams left the bench area, entered onto the court, and began fighting. Officials ended the game, and the schools suspended the students who were involved.

IHSAA Commissioner Bobby Cox found Hammond and Griffith violated several IHSAA rules and imposed penalties, which included: suspending participation in the state tournament, cancelling each school's remaining regular season games, and placing both schools on probation for the entire 2015-16 school year. Griffith, Hammond, and their students requested an appeal to the IHSAA Review Committee. The schools argued the season-ending suspensions were excessive, overreaching, and unprecedented during the Commissioner's tenure, citing the penalties imposed for other instances of fighting in recent years; they requested the Review Committee permit the teams to finish the regular season on probation and participate in the state tournament.

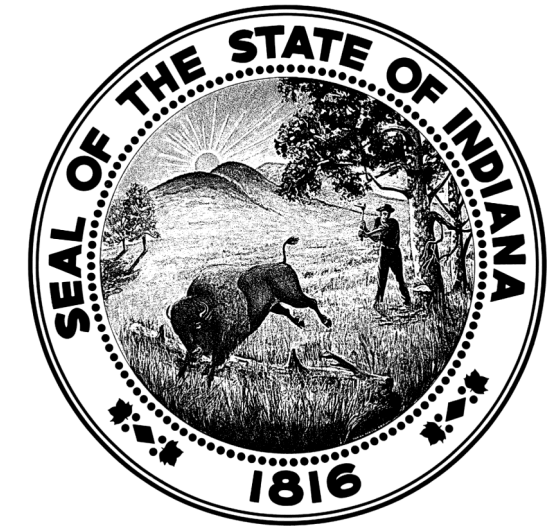
Prior to the hearing, the IHSAA objected to the students' participation in the appeal, arguing the students lacked standing because only the schools were found to have violated IHSAA rules. The Review Committee decided the students were not entitled to participate in the proceedings because they were not "affected parties" under IHSAA rules.

During the Review Committee hearing held on February 20, the Commissioner was asked about the Fort Wayne-Arsenal Tech incident in 2013, which involved students fighting, a student

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## Court of Appeals of Indiana

*Hearing oral argument at  
Ivy Tech Lafayette  
Tuesday, Feb. 16, 2016 @ 1 p.m.*



*IHSAA v. Nasir Cade, et al*

**45A03-1503-PL-84**

*On Appeal from Lake Superior Court  
The Honorable John R. Pera, Judge*

**Indiana Bicentennial 1816-2016**



Synopsis, cont.

tackling a coach, and coaches from opposing teams fighting at a high school football game. In that case, the Commissioner placed the schools on probation, suspended the head coaches and each student involved for one game, and suspended the coaches who were fighting for the remainder of the season. Both schools were allowed to finish the season and participate in the football state tournament. The Commissioner admitted the Griffith-Hammond incident was “similar” to the Fort Wayne-Arsenal Tech incident.

The Review Committee upheld the Commissioner’s decisions. The Review Committee found the IHSAA had recently created a sportsmanship task force and that the task force recommended more severe penalties to address the growing issue of on-court fighting; it concluded the penalties assessed were consistent with IHSAA penalties historically and the penalties demanded by the sportsmanship task force.

Two days after the Review Committee issued its decision, the schools and students filed a complaint seeking a preliminary injunction. The regular season had concluded by that point, and sectionals began on March 3. The trial court scheduled a hearing on the injunction for March 2. At the conclusion of the hearing, the trial court granted a preliminary injunction prohibiting the IHSAA from enforcing its suspension of Griffith and Hammond.

Thereafter, the schools participated in the state tournament. Hammond was eliminated in the sectional round, while Griffith advanced to the state championship. In the interim, the IHSAA instituted an interlocutory appeal. The IHSAA argues the trial court erred by granting the preliminary injunction because neither the schools nor their students demonstrated a likelihood of success on the merits. As to the students, the IHSAA also contends they are not real parties in interest and lack standing to challenge the IHSAA’s decisions in this case.

*Court of Appeals Mission Statement*

**To Serve All People  
by Providing Equal Justice  
Under Law**

Judge Altice, cont.

Judge Altice moved to the civil division of the Marion Superior Court in 2013 and was appointed chair of the Marion Court Civil Term in January 2015.

Throughout his judicial career, Judge Altice has held leadership roles in organizations that improve the administration of justice. He accepted special assignments from the Indiana Supreme Court on the Judicial Performance Task Force and the Cameras in the Courtroom project, which allowed cameras in certain courtrooms under limited conditions. The Duval Work Release Center was built and opened during his tenure on the Marion County Community Corrections Advisory Board.

Judge Altice is a member of the Indiana Judges Association, the Indiana

State Bar Association, and the Indianapolis Bar Association. In April 2015, Judge Altice was appointed to serve on an ad hoc Indiana Tax Court Advisory Task Force.

His community activities include prior service on the Board of Directors of the Indianapolis Police Athletic League; the Martin Luther King Community Development Corp.; and Coburn Place Safe Haven, a transitional housing facility for domestic abuse victims.

He has presented on legal and ethical issues for the Indiana Continuing Legal Education Forum, the Indiana Judicial Center, and various Indiana bar associations. In his spare time, he enjoys gardening, golf and reading.

He and his wife, Kris, who is also an attorney, have two adult children.

Attorneys for the Parties

For the Appellant: Indiana High School Athletic Association

**Bob Baker** is the long-time General Counsel to the Indiana High School Athletic Association, Inc. He graduated from high school in Anderson in 1968, and from Indiana University Law School (J.D., *cum laude*) in 1976, but was a short-term Buckeye while attending Miami University (B.S. 1972) and a Luxembourger at the Miami European Study Center (1971-1972).

Bob has practiced law for 40 years principally in civil defense litigation, and has practiced in-house, solo, and as a partner in several small firms and in a larger firm.

He is admitted to practice before the Indiana Supreme Court, the Northern and Southern Districts of Indiana, and the U. S. Supreme Court. Bob has argued cases before the Indiana Supreme Court, 7<sup>th</sup> U.S. Circuit Court of Appeals, and Indiana Court of Appeals.

Married to his bride (Sherry) for 43 years, Bob is a proud Popi to a son (Rob, lawyer), daughter (Katie, paralegal) and 3 kinders (Quentin, Josephine, Emmett).

For the Appellees: Nasir Cade, et al

**Michael Jasaitis**, a Crown Point attorney at Austgen Kuiper Jasaitis PC, graduated from Valparaiso University in 1997 with Honors, and from Valparaiso University School of Law, *magna cum laude*, in 2000. He was an editor on the Law Review and President of the Student Bar Association. Jasaitis is admitted to practice in Illinois and Indiana, including several district courts in those states.

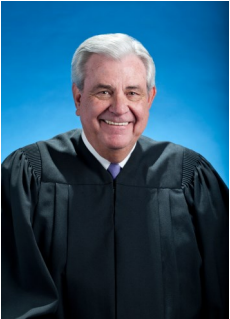
As part of his civil practice, Jasaitis represents students and student-athletes across the state in eligibility and disciplinary actions. The present appeal is the second one with the IHSAA in which he has been involved. Jasaitis is a member of the Board of Governors of the Indiana State Bar Association (ISBA) and served previously as the Chair of its Young Lawyers Section. He has been a member of the Board of Managers of the Lake County Bar Association for multiple years, and is a past-President of the Lake County Bar Association. He currently serves as a Director on the Lake Area United Way Board and heads its Governance Committee.

Jasaitis, an avid sports fan, enjoys spending time and traveling with his wife and two young children, and volunteers as a coach for his son’s under-6 soccer team.

**Jared R. Tauber** represents individuals and corporations with a wide array of legal

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Today’s Panel of Judges



**The Honorable  
Michael P. Barnes**  
**St. Joseph County**

**Michael P. Barnes** was appointed to the Court of Appeals of Indiana in May 2000 after long service as the St. Joseph County Prosecuting Attorney. He was retained on the Court by election in 2002 and 2012 and served as Presiding Judge of the 3rd District from 2009 through 2011.

In 2012 he wrote 144 majority opinions for the Court of Appeals. Judge Barnes was born and raised in rural Illinois. He earned a B.A. in History at St. Ambrose College in Davenport, IA in 1970 and received his J.D. in 1973 from the University of Notre Dame Law School.

He practiced law from 1973-78 at the South Bend law firm of Voor, Jackson, McMichael and Allen, while also serving as Deputy Prosecuting Attorney. Voters chose him in 1978 to be the St. Joseph County Prosecuting Attorney, an office he held for 20 years over five elections.

While prosecutor, he oversaw a staff of 65 and spearheaded development of the CASIE Center for child victims of physical and/or sexual abuse, which continues to serve the community. Judge Barnes also created a domestic and family violence unit in the Prosecutor’s office and launched a pretrial diversion program for nonviolent misdemeanor offenders that served as a model for successful state legislation. The domestic and family violence unit focused solely on crimes against women and children, including abuse and neglect.

Judge Barnes personally tried more than 25 murder and other major felony cases while overseeing a staff of 12 to 15 deputy prosecutors.

His efforts to collect delinquent child support payments garnered more than \$100 million for children in St. Joseph County. For those efforts, he received

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**The Honorable  
Margret G. Robb**  
**Tippecanoe  
County**

**Margret G. Robb** was appointed to the Court of Appeals of Indiana in July 1998 by Governor Frank O’Bannon. She holds a B.S. and an M.S. in Business Economics from Purdue University, a Magna Cum Laude J.D. from Indiana University Robert H. McKinney School of Law and is a graduate of the Graduate Program for Indiana Judges. In 2011 she began a three year term as chief judge; the first woman to hold that position in the Court’s more than 100 year history.

Prior to her appointment to the Court, Judge Robb was, for 20 years, engaged in the general practice of law in Lafayette, and served as a Chapter 11, 12 and a standing Chapter 7 Bankruptcy trustee for the Northern District of Indiana. She was a registered family and civil mediator and served as a Tippecanoe County Deputy Public Defender.

She has been an officer of the Indiana State Bar Association, the Fellows of the Indiana State Bar Foundation, Tippecanoe County Bar Association, National Association of Women Judges, the Indiana University School of Law- Indianapolis Alumni Association and the Bankruptcy Section of the Indiana State Bar Association.

She has also been a Board member of the Appellate Judges Council of the American Bar Association, the Indianapolis Bar Association, the Indianapolis Bar Foundation, the Senior Council Section of the Indianapolis Bar Association, the Appellate Practice Section of the Indiana State Bar Association and the Appellate Judges Education Institute.

She was the moderator for the 2005-2006 and Chair for the 2006-2007 Indianapolis Bar Association’s Bar Leader Series, and is a member of the American Bar Foundation, American

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**The Honorable  
Robert R. Altice, Jr.**  
**Marion County**

**Robert R. Altice, Jr.**, was appointed to the Court of Appeals by Gov. Mike Pence and began his service on Sept. 2, 2015.

Judge Altice earned his undergraduate degree from Miami University, Oxford, OH, a master’s degree in criminal justice administration from the University of Central Missouri, and his law degree from the University of Missouri-Kansas City School of Law.

Judge Altice began his career handling felony cases as a deputy prosecutor in Jackson County, MO, before being promoted to Chief Deputy Prosecutor for the Drug Unit. He then practiced with a Kansas City civil law firm, focusing on medical malpractice defense. After moving to Indianapolis, he concentrated on insurance defense in private practice.

Judge Altice returned to prosecution in 1994, handling a major felony caseload as a deputy prosecutor for the Marion County Prosecutor’s Office. He served as Chief of the Felony Division from 1997-2000, trying more than 100 major felony jury trials, including 25 murder cases. While serving briefly as the Office’s Chief Counsel, he helped amend Indiana laws on domestic battery and possession of firearms by violent felons.

Judge Altice was elected to the Marion County bench in 2000. As judge of Marion Superior Court, Criminal Division 2 from 2001-2012, he presided at 250 major felony jury trials, including 75 murder trials (seven death penalty trials).

Judge Altice also served as chair of the Marion Superior Court Criminal Term from 2005-2007, as a member of the Executive Committee for the Marion Superior Court from 2007-2009, and as Presiding Judge of the Marion Superior Court from 2009 to 2011.

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